

REMARKS

Claims 10-31 are currently pending in the above-referenced application.

The specification stands objected to regarding an awkward term in ¶ [0004], the use of the term “focal distance” in several paragraphs, including ¶ [0009], and the sufficiency of the recitation of “differential contrast evaluation” in ¶ [0020].

The drawings stand objected to for failing to show structure which allows adjustment of “focal distance” as recited in claims 16-17 and 28-29.

Claims 19 and 21-23 stand objected to for lack of adequate definition of the term “differential contrast evaluation.”

Claims 10-31 stand rejected under 35 U.S.C. §112, second paragraph, on the grounds that the term “focal distance” lacks adequate written description in the specification.

Rejections under 35 U.S.C. §103(a) include:

- Claims 10-18, 20 and 24-30 as unpatentable over Japanese patent document JP 10-255019 (“JP 10-255019”) in view of pages 8-9 of a Kodak Reference Handbook.
- Claims 19 and 21-23 as unpatentable over JP 10-255019 and pages 8-9 of the Kodak Reference Handbook, in further view of European patent document EP 454516 (“EP 454516”).
- Claim 31 as unpatentable over JP 10-255019 and pages 8-9 of the Kodak Reference Handbook, in further view of Japanese patent document JP4-164281 (“JP 4-164281”).

In view of the foregoing objections and rejections, the Applicant is requesting amendment of the specification and claims to address each of these issues and place the present Application in condition for allowance.

Specifically, the Applicant is requesting entry of amendments to the specification to restate the references to “focal distance” in a manner which does not use this term, but remains consistent with the original disclosure to ensure no new matter is added. In addition, entry of amendments to more clearly recite “differential contrast evaluation” in a manner consistent with the language in the original disclosure to rearrange is requested. Specific language is discussed further, below.

Clarification of the Term “compare technical journal”: The Applicant is requesting entry of an amendment to specification ¶ [0004] to substitute the phrase “see, e.g., technical journal” to address the Examiner’s concern with awkwardness of the phrase “compare technical journal.”

Clarification of the Term “Focal Distance”: Consistent with the remarks in the Applicant’s December 4, 2003 Response, and in view of the Examiner’s helpful comments at page 12-13 of the January 21, 2004 Final Office Action, the Applicant is requesting entry of amendments to specification ¶¶ [0007], [0009] and [0011], and to claims 10, 14-17, 24 and 28-29, to substitute for the term “focal distance” the term “distance range,” a term which is not closely associated with camera lens design terminology is more descriptive of the range of distances in front of a vehicle to which the Applicant is referring. The Applicant notes these amendments are consistent with the original

specification's description of distance ranges. For example, ¶ [0009] describes one of the camera systems (the CCD camera) as being adjusted to obtain image information in a "close range," defined as "a range which is illuminated by the front headlights," and describes the other camera system (the infrared camera) as being adjusted for imaging "in a remote range," *i.e.*, a range beyond the headlight illumination in which image information may be obtained, "although the environment is completely dark." Thus, in view of the original disclosure of ¶ [0009], the Applicant respectfully submits no new matter has been added with this substitution of labels.

Clarification of the Term "Differential Contrast Evaluation":

Consistent with the remarks in the Applicant's December 4, 2003 Response, and in view of the Examiner's helpful comments at page 13-14 of the January 21, 2004 Final Office Action, the Applicant is requesting entry of amendments to specification ¶ [0012] to essentially rearrange the second sentence to more clearly recite the description of "differential contrast evaluation," and to add a phrase to the end of the first sentence which more clearly links the first and second sentences. The Applicant notes that because these amendments essentially restate the information previously presented in the original second sentence of specification ¶ [0012], no new matter has been added. It is respectfully submitted that entry of these amendments provides a description of "differential contrast evaluation" with improved "readability," and is sufficiently clear to be understood and implemented without undue experimentation by one of ordinary skill in the art.

Drawing Objection: The drawings stand objected to for failing to show structure which allows adjustment of “focal distance” as recited in claims 16-17 and 28-29. The Applicant respectfully requests this objection be reconsidered and withdrawn on the grounds that there is no need to illustrate such structure in the figures.

The Applicant has amended claims 16-17 and 28-29 to eliminate the potentially confusion regarding the recited “is adjusted to substantially correspond” language. The Applicant believes the confusion arises out of the translation of the present claims from the originally filed German-language application. Upon entry of the foregoing amendments, claim 16-17 and 28-29 would recite that “the close range substantially corresponds” with the headlight cone range. Inasmuch as it is well known in the art how to adjust a camera to image a desired distance range (*e.g.*, adjusting camera location, angle, focus and/or depth of field), it is respectfully submitted that further illustration of adjusting structure is not necessary or required. Reconsideration and withdrawal of the pending drawing objection is respectfully requested.

Objection to Claims 19 and 21-23: In view of the foregoing requested amendment to specification ¶ [0012] which more clearly recites the original disclosure’s description of “differential contrast evaluation,” the Applicant respectfully submits that this term is defined in a manner sufficient to support use of the term in claims 19 and 21-23 without further amendment. Reconsideration and withdrawal of the pending claim objection is respectfully requested.

Rejection Under § 112, Second Paragraph: The Applicant

respectfully submits the foregoing requested amendments to the specification to substitute “distance range” for “focal distance”, along with the conforming amendments to claims 10, 14-17, 24 and 28-29, would provide sufficient support in the written description. Reconsideration and withdrawal of the § 112, second paragraph rejection is respectfully requested.

Rejection Under § 103(a): The Applicant respectfully traverses the rejection of claims 10-18, 20 and 24-30 as unpatentable under § 103(a) over JP 10-255019 in view of the Kodak Reference Handbook, on the grounds that these references fail to teach or suggest the claimed invention. The Applicant further traverses the rejection of claims 19 and 21-23 as unpatentable over these references in further view of EP 454516, and claim 31 as unpatentable over these references in further view of JP 4-164281, on similar grounds.

The January 21, 2004 Final Office Action reiterates the prior § 103(a) rejections in view of the broad interpretation of the term “focal distance” adopted by the Examiner. The requested amendments to the specification and claims would clarify that the Applicant is referring to a “distance range,” rather than a “focal distance,” and therefore the pending rejections would be based on an assumption as to the definition of a term which is inconsistent with the Applicant’s disclosure and claims. The Applicant respectfully submits that JP 10-255019 and the Kodak Reference Handbook, alone or in combination, neither teach nor suggest the present invention’s combination of two cameras operating in different spectral ranges and at different *distance ranges* to obtain improved

imaging performance. Further, as noted in the July 22, 2003 remarks, the present invention's novel use of cameras operating in different spectral regions and the focused at different distance ranges is completely different than the approach in JP 10-255019, which teaches away from the present invention by having its two cameras focused at approximately the same distance. Similar teachings or suggestions of focus at the same distance are found in the remaining cited references. Thus, there is no teaching or suggestion in the identified art for the invention recited in claims 10-31.

Because the cited references, either alone or in combination, do not teach or suggest all of the features of independent claims 10 and 24 and their respective dependent claims, claims 10-31 are patentable over the cited references under § 103. Accordingly, the Applicant respectfully requests the pending §103(a) rejections be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing requested amendments remarks, the Applicant believes that upon entry of the requested amendments, the Application would be in allowable form. Accordingly, entry of the amendments, withdrawal of the pending objections and rejections, and issuance of a Notice of Allowance for claims 10-31 is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/50488).

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Respectfully submitted,



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